

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2201 - SB 2469

February 16, 2016

SUMMARY OF BILL: Creates the “Right to Earn a Living Act”. Requires any entry regulation required by a state or local agency for a business, profession, or occupation, and any law, ordinance, regulation, rule, policy, fee, condition, test, permit, or other administrative practice, to be limited to those necessary and tailored to fulfill legitimate public health, safety, or welfare objectives.

Requires state and local agencies to conduct a comprehensive review of all entry regulations within the jurisdiction of the agency by July 1, 2017, and every July 1 thereafter. Requires the agency to repeal or modify the entry regulation, if it does not meet the requirements of this bill.

Authorizes any person to petition an agency to repeal or modify an entry regulation or a public service restriction within its jurisdiction. Requires the agency to respond to the appeal within 90 days. Authorizes the person to file an action in a court of general jurisdiction.

Preempts all inconsistent rules, regulations, codes, ordinances, or other laws adopted by a county, city, town, or other political subdivision.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Exceeds \$100,000

Increase Local Expenditures – Exceeds \$100,000*

Assumptions:

- Requiring entry regulations and public service restrictions to meet the requirement to fulfill legitimate public health, safety, or welfare objectives will not have a significant impact on the number of any business, professional, or related permits or licenses issues by the state.
- State agencies will experience a recurring increase in expenditures for personnel related costs to review current regulations and laws and make modifications as necessary.
- Agencies with greater jurisdiction over entry regulations and public service restrictions will experience greater personnel expenditures.
- It is reasonably assumed that the total recurring increase in state expenditures for all state agencies to conduct an annual comprehensive review will exceed \$100,000.

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- It is reasonably assumed that the mandatory and recurring increase in local expenditures for all local government agencies to conduct an annual comprehensive review will exceed \$100,000 statewide.
- Any impact on the court system for actions brought against state agencies can be handled within existing resources.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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